

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1, 5, 11-13, 19, 21-22, 24-27, and 33-43 are pending in the application, with claims 1, 13, and 27 being the independent claims. Claims 1, 13, and 27 are sought to be amended for clarity. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1, 5, 13, 19, 27, 33-43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,734,879 to Hasha et al. ("Hasha") in view of U.S. Published Patent Appl. No. 2002/0022991 to Sharood et al. ("Sharood"), and further in view of U.S. Patent No. 6,941,356 to Meyerson ("Meyerson"). The Examiner has also rejected claims 1, 5, 11-13, 19, 21-22, 24-27, and 33-43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Published Patent Application No. 2003/0103088 to Dresti et al. ("Dresti") in view of U.S. Patent No. 6,198,479 to Humpleman et al. ("Humpleman"), and further in view of Meyerson.

Applicants traverse these rejections, the Response to Arguments section on Pages 16-18 of the Final Office Action, and the comments on Page 2 of the Advisory Action.

Claims 1, 13, and 27 recite features that distinguish over the applied references. For example:

Claim 1:

a third set of control objects representing one or more affiliate system components, the one or more affiliate system components being capable of providing an input to said selected system component and associated with performing the selected activity, and wherein the third set of control objects are configured to be pre-configured by a user to be hidden from display on the user interface

Claim 13:

hiding from display on the user interface one or more affiliate system components that are associated with performing the selected activity, but are pre-configured by a user not to be displayed

Claim 27:

eight computer readable program code for hiding from display on the user interface one or more affiliate system components that are associated with performing the selected activity, but are pre-configured by a user not to be displayed

For the reasons set forth below, Applicants respectfully traverses the Examiner's rejections.

The Examiner concedes that neither the Hasha and Sharood combination nor the Dresti and Humpleman combination teach all the claimed elements. Specifically, as the Examiner correctly recognizes, Hasha-Sharood and Dresti-Humpleman fail to teach or suggest "a third set of control objects representing one or more affiliate system components, the one or more affiliate system components being capable of providing an input to said selected system component and associated with performing the selected activity, and wherein the third set of control objects are configured to be pre-configured by a user to be hidden from display on the user interface" as recited by claim 1, or "hiding from display on the user interface one or more affiliate system components that are associated with performing the selected activity, but are pre-configured by a user not to be displayed" as recited by claims 13 and 27. Rather, the Examiner relies on Meyerson to teach or suggest these features. Applicants disagree that Meyerson teaches these features.

Meyerson is directed to a "primary" network device that automatically configures its user interface based on information it receives in real time from and regarding other (secondary or peripheral) network devices. Depending on the overall network environment detected (e.g., types of secondary devices on the network, their capabilities, their location/proximity, etc.), the primary network device in Meyerson automatically

adapts its user interface to conform to such an environment. For example, if the primary network device is a remote controller, the remote controller automatically conforms its user interface to show only the controls for the controllable devices that are in close proximity (e.g., when the user is in the bed room, it displays control options for a television or DVD player in the bed room, but not similar devices in the living room).

However, Meyerson does not teach or suggest at least the above-noted distinguishing features of claims 1, 13, and 27.

First, Meyerson at column 8, line 22-37 states “[t]hus, the invention adapts the user interface 25 of the remote control 24 to **only show controls for closest devices** (e.g., the stereo, VCR, cable converter box, and TV.) . The elimination of redundant controls would be done by a combination of assumptions built into the remote control (e.g., if both a TV and a cable converter box are present, then change channels through the cable converter) as well as allowing manual predefinition (e.g., if TV serial number 123456 is present, then control the volume through stereo model and make RCA 3400).” However, this statement in Meyerson suggests **proximity** of the devices controls their display, but does not teach or suggest “one or more affiliate system components ... hidden from display on the user interface,” as recited in claim 1 or “hiding from display on the user interface one or more affiliate system components,” as recited in claims 13, and 27. For the Examiner to allege such an interpretation of Meyerson goes beyond the teaching or suggestions within the reference, and rather improperly relies on speculation.

The Examiner is required to show obviousness without relying on mere speculation or conjecture. While no explicit suggestion in the prior art is necessary to establish prima facie obviousness, the Examiner still has a burden of explaining why a person of ordinary skill in the art would have been prompted to modify the prior art to make the claims. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (“[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added))); *In re Lee*, 277 F.3d 1338, 1342-44 (Fed. Cir. 2002) (discussing the importance of relying on **objective** evidence and making **specific factual findings** with respect to the obviousness) (emphasis added).

Second, Meyerson at column 4, lines 10-18 states “in addition the invention can also modify the user interface in a matter that is most appropriate for the given environment and ***taking into account the preferences of the user.***” However, this statement in Meyerson does not teach or suggest “one or more affiliate system components ... hidden from display on the user interface,” as recited in claim 1 or “hiding from display on the user interface one or more affiliate system components,” as recited in claims 13, and 27. For the Examiner to allege such an interpretation of Meyerson goes beyond the teaching or suggestions within the reference, and rather improperly relies on speculation.

Third, Meyerson at column 4, lines 52-57 states “An advanced implementation of the invention for the preceding embodiment would ***apply artificial intelligence to take note of configuration changes that the user manually makes when in particular environments and then automatically make such changes in the future when those environments are detected again.*** Alternatively artificial intelligence could be applied to make configuration decisions based on the environment detected without requiring any prior user input.” However, this statement in Meyerson does not teach or suggest “one or more affiliate system components ... hidden from display on the user interface,” as recited in claim 1 or “hiding from display on the user interface one or more affiliate system components,” as recited in claims 13, and 27. For the Examiner to allege such an interpretation of Meyerson goes beyond the teaching or suggestions within the reference, and rather improperly relies on speculation.

In view of the foregoing, Applicants respectfully submit that neither the proposed combination of Hasha and Sharood and Meyerson nor the proposed combination of Dresti and Humpleman and Meyerson render independent claims 1, 13 and 27 unpatentable under 35 U.S.C. § 103(a). Because the Hasha-Sharood-Meyerson combination proposed by the Examiner does not teach or suggest each and every feature of independent claims 1, 13 and 27, as explained above, these claims, and the claims that depend therefrom, cannot be rendered unpatentable for obviousness by that combination. Similarly, because the Dresti-Humpleman-Meyerson combination proposed by the Examiner does not teach or suggest each and every feature of independent claims 1, 13

and 27, as explained above, these claims, and the claims that depend therefrom, also cannot be rendered unpatentable for obviousness by that combination.

Accordingly, Applicants respectfully request that the Examiner's rejection of pending claims 1, 5, 11-13, 19, 21-22, 24-27, 33-43 be reconsidered and withdrawn, and the claims be passed to issue.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to be 'RS', is written over the printed name of Robert Sokohl.

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